

- DECEMBER 2008 -

A BIMONTHLY PUBLICATION
OF THE CALIFORNIA VICTIM
COMPENSATION PROGRAM

Victim Compensation CONNECTION

victimcompensation.ca.gov PO Box 48, Sacramento, CA 95812-0048 1.800.777.9229

In this issue...

Board Approves Draft
Regulations ...page 2

Human Trafficking
...page 3

Good Samaritan Program
...page 4

Arnold Schwarzenegger
*Governor
State of California*

Rosario Marín
*Board Chair
Secretary, State and
Consumer Services
Agency*

John Chiang
*Board Member
State Controller*

Michael Ramos
*Board Member
District Attorney
San Bernardino County*

C A L I F O R N I A
V C G C B
Victim Compensation & Government Claims Board
Helping California Crime Victims Since 1965

Julie Nauman
Executive Officer



Board Accomplishments in 2008

FROM THE DESK OF JULIE NAUMAN, EXECUTIVE OFFICER

As 2008 comes to a close, the staff and stakeholders of the Victim Compensation and Government Claims Board can look back on many accomplishments. The year was not without its challenges. With a lot of hard work by our dedicated staff and the support of our partners throughout California, we have faced these chal-

lenges and turned them into opportunities for providing better service to the public and to crime victims.

These are just some of the 2008 highlights for the Victim Compensation Program:

- We're reaching more victims and delivering increased benefits. In the past fiscal year, the VCP delivered over \$81 million in payments to victims of violent crime, an increase of 8 percent compared to the previous fiscal year. At nearly 51,000, the total number of applications received by the program increased by over 4 percent.
- The program completed the transition from an old mainframe computer system to the new, web-based CaRES claims-management system. Important new features were added to CaRES, such as access for victim advocates statewide and Criminal Disposition Tracking System resources for restitution specialists. The program is dedicated to building on this foundation and further optimizing CaRES.
- To improve service to crime victims and the public, the VCGCB rolled out a 2008-2012 Strategic Plan that guides the organization with a powerful mission, vision, core values and strategic goals. Several strategic goals outline improvements for the Victim Compensation Program, and several projects designed to achieve these goals are under way.
- Our outreach and awareness activities continue to expand. We've produced a host of new and improved publications, including updated Spanish language publications, expanded our website information and received an award for our "Helping Victims Every Day" video. We targeted first-responders, such as law enforcement and mental-health service providers, with materials and focused presentations.

These successes in 2008 would not have been possible without the partnership and support of our partners in victim services, at state agencies, counties, cities and community-based organizations. We look forward to working with all of our stakeholders as we begin 2009.

New Law Focuses on Child Witnesses to Violent Crime

STATUTES EXPAND ACCESS TO PROGRAM, SUPPORT RESTITUTION COLLECTION

More individuals suffering the impacts of violent crime will have access to Victim Compensation Program assistance, due to two new laws.

Starting in 2009, minors who suffer emotional injuries from witnessing a violent crime may be eligible for mental health counseling through the Victim Compensation Program (VCP). The change is the result of legislation, Assembly Bill 2809 (Leno), signed into law by Governor Arnold Schwarzenegger earlier this year.

Providing assistance to minors is nothing new for the VCP. Historically, more than a third of program claimants are minors. Under current law, these minors must either be the direct victim of a violent crime or so-called derivative victims, meaning they have to be dependent in some way on a direct victim of violent crime. Under the new law, the minor witness can be eligible for assistance

even if he or she is unrelated to the crime victims.

To be eligible, the minor witness must have been in close proximity to the crime. The mental health counseling reimbursement is limited to \$5,000.

Another new law, Assembly Bill 717 (Fuller), which was sponsored by the VCGCB, makes the following improvements:

- It extends to age 28 the filing period for VCP applications based on specified sexual offenses committed against minors. This period matches the statute of limitations for prosecution of those specified sexual offenses. Previously, minor victims of these crimes had until their 19th birthday to apply for victim compensation.

- It makes individuals who were living with a homicide victim at the time of the crime eligible to receive reimbursement for relocation expenses. Previously, only the direct victim of a crime was eligible for relocation.
- It specifies additional information that estate administrators must include when notifying the VCGCB of inheritance due to an inmate. This information will aid Restitution staff in identifying funds that are eligible for collection.

More details and procedures related to these new laws will be provided to Victim Compensation Program staff statewide. The provisions of these new laws are effective for applications for victim compensation received on or after January 1, 2009.

Board Approves Draft Regulations

The VCGCB has completed the informal phase of its comprehensive update of Victim Compensation Program regulations.

With the three-member Board's approval of draft regulations at its November meeting, the regulations update can now enter the formal rulemaking process in early 2009.

The informal review process featured public workshops in Northern and Southern California where members of the public, attorneys, representatives from community-based organizations, government agencies and other stakeholders provided feedback and suggestions.

Input from these interested parties has been valuable, according to Julie Nauman, VCGCB Executive Officer.

"We appreciate the thoughtful consideration given to the proposed regulations and the many helpful suggestions provided during the informal review process," said Nauman. "Many comments resulted in changes to improve upon the draft regulations."

There will still be ample opportunity for the public to com-

ment on the draft regulations during the upcoming formal rulemaking process. The draft regulations will now be filed with the California Office of Administrative Law, and a formal 45-day public comment period will follow. Draft regulations will be posted at www.victimcompensation.ca.gov and public hearings will be held to receive comments.

The proposed changes in the regulations range from minor technical clarifications to more substantive improvements or new regulations related to new laws.

The updated draft regulations include changes to:

- Reimbursement of Funeral/Burial Expenses
- Minor Witnesses
- Reimbursement of Medical-Related Services
- Rehabilitative Services
- Authorized Mental Health Providers
- Verification of Income Loss or Support Loss
- Human Trafficking
- Failure to Cooperate with Law Enforcement

Plight of Human Trafficking Victims Detailed for Advisory Committee

Marisa Ugarte, head of the Bilateral Safety Corridor Coalition and a leading advocate and service provider for victims of human trafficking, shared some of her extensive experience at the December meeting of the Victim Compensation Program Advisory Committee.

The committee is comprised of victim services representatives from state, county and community-based organizations.

Ugarte has more than 20 years of experience in advocacy for exploited men, women and children. She focuses her efforts assisting victims of human trafficking and commercial sexual exploitation in the region along the U.S.-Mexico border, but makes it clear that the problem knows no borders.

"These victims come from throughout Latin America, but there are many nationalities," said Ugarte, who listed victims from several Asian countries and termed human trafficking "modern-day slavery."

"Most of these victims are desperate. They need services, but they have no money. They depend on the traffickers and the pimps for everything," she explained.

Ugarte said that most victims of human trafficking and commercial sexual exploitation are women and about half of them are minors. Many are lured to the United States with promises of jobs, but are forced into the sex trade.

Many victims are locked into a cycle of abuse and threats by their captors, and they are hesitant to seek assistance because of language barriers, lack of trust, fear of deportation and shame.



Marisa Ugarte presents information on human trafficking at the December meeting of the Victim Compensation Program Advisory Committee.

California law makes human trafficking a felony and allows victims to bring civil actions against their trafficker. The law also provides that, in the absence of a police report, the Victim Compensation Program can use alternative evidence to establish eligibility for victims of human trafficking, including an affidavit from a human trafficking caseworker.

The Bilateral Safety Corridor Coalition (BSCC) is an alliance of over 60 government and nonprofit agencies in the United States and Latin America that is convened in and along the U.S.-Mexico Border Region to combat slavery and human trafficking. For more information, go to www.bsccoalition.org.

Several Strategic Plan Projects Focus on Victim Compensation Program

The VCGCB's 2008-2012 Strategic Plan established a new mission and vision for the organization. The plan also spells out core values, lists strategic goals and outlines eight action strategies for achieving the strategic goals.

Several of the plan's strategic goals focus on improvements for the Victim Compensation Program, such as reducing processing times, increasing customer satisfaction, expanding public awareness of the program and increasing revenue recovery efforts.

Following is a brief summary of several related strategic plan projects:

- **CaRES Optimization** Included in the planned development of the

claims management system are architectural adjustments, medical and hospital rules engines and online checking by customers and providers of claim status.

- **Specialized Processing Teams** Staff have already been assigned to specialized teams handling certain types of bills submitted to the Victim Compensation Program.
- **Reports and Trend Analysis** Timely and reliable information is an important tool for good decision making. This project focuses on developing key reports to track and analyze trends.

- **Restitution Outreach and Training Program** This project features development of a training and outreach program that will offer Continuing Professional Education credits for stakeholders in the criminal justices system.
- **Comprehensive Communication and Outreach Plan** This project will produce a comprehensive plan to guide communications and outreach activities. A first priority will be reaching first responders and underserved populations.

Law Enforcement Key Audience In Awareness Campaign

The Victim Compensation Program (VCP) is dedicated to the principle that every victim should be aware of the assistance available to help them heal the wounds of violent crime.

One of the top strategies for publicizing the program is to partner with law enforcement agencies and other first-responders who come into frequent contact with crime victims.

Such outreach through law enforcement, victim advocates and victim service providers is required by California law. In keeping with this, the VCGCB has made first-responder outreach a priority of the Board's 2008-2012 Strategic Plan.

As part of its outreach campaign, the Board is conducting presentations at local law enforcement agencies throughout the state. To date, 25 presentations have been held.

These law enforcement presentations are an example of true teamwork and partnership with Victim Witness Assistance programs operated by local counties. Local advocates or program staff members have been involved in every presentation and county representatives have been co-presenters in nearly all cases.

California law also requires law enforcement personnel to advise crime victims about the Victim Compensation Program and Victim Witness Assistance resources.

The Board has produced a variety of informational materials that law enforcement agencies can use to publicize the VCP. One of the primary resources is a small first-responder card, available in both English and Spanish, with basic information on Victim Compensation Program services. Brochures, DVDs and posters are also available.



VCGCB's presentation reaches out to first responders

In another strategy for reaching first responders, the Board recently worked with the California State Sheriffs' Association, which published an article on the VCP in its California Sheriff Magazine.

County Victim Witness Assistance or Victim Compensation Program staff members interested in teaming up with the Board on presentations to local law enforcement agencies can contact Miles Bristow, the Board's Public Information Officer, at (916) 491-3757. Additionally, the VCP Law enforcement presentation is available in the "Victim Compensation Program" section at www.victimcompensation.ca.gov.

Good Samaritan Program Helps Citizens Harmed In Effort to Help Others

The VCGCB is working to get the word out about a program that supports the courageous acts of Good Samaritans, members of the public who go the extra mile and put themselves at risk to prevent a crime, apprehend a criminal or rescue a person in immediate danger of injury or death.

Administered by the Board, the Good Samaritan Program provides compensation to Good Samaritans who suffer injury or loss as a result of their efforts.

Family or dependents of a Good Samaritan who die as a direct result of their meritorious actions can also seek compensation.

To qualify, the Good Samaritan must be a member of the public, not a public-safety worker acting within the course and scope of their employment, and must not have received compensation otherwise.

The claim must include information such as details regarding the meritorious actions and losses suffered, and it must be supported by a statement from a public safety or law enforcement agency. Such an agency can also file a claim

for compensation on behalf of the Good Samaritan or survivors.

Claims cannot exceed \$10,000. Eligibility for compensation is not based on the outcome of the Good Samaritan's actions.

The following types of expenses are covered by the Good Samaritan Program:

- Medical treatment
- Dental treatment
- Mental health treatment
- Wage or support loss
- Funeral and burial
- Property loss

An application and brochure for the Good Samaritan Program are available at www.vcgcb.ca.gov. Contact the Victim Compensation Program at (800) 777-9229 for more information regarding filing a Good Samaritan claim.

